

JUL 10 2003

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON
U.S. COURT OF APPEALS

TOMAS MADRIGAL-GONZALEZ,)	
)	No. 02-70939
Petitioner,)	
)	I&NS No. A74-223-073
v.)	
)	MEMORANDUM*
)	
JOHN ASHCROFT, Attorney)	
General,)	
Respondent.)	
_____)	

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 8, 2003**
Pasadena, California

Before: KOZINSKI, FERNANDEZ, and RYMER, Circuit Judges.

Tomas Madrigal is a native and citizen of Mexico who seeks review of the decision by the Board of Immigration Appeals to streamline his appeal under 8 C.F.R. § 1003.1(a)(7), and to affirm the immigration judge's determination that he

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App. P. 34(a)(2).

does not qualify for cancellation of removal pursuant to 8 U.S.C. § 1229b(b)(1).

We vacate submission of Madrigal's due process challenge to streamlining pending a final decision in *Falcon-Carriche v. Ashcroft*, No. 02-71143.

We deny Madrigal's petition to the extent that it takes issue with the determination that he failed to show "exceptional and extremely unusual hardship." This is a discretionary decision that is not subject to judicial review. 8 U.S.C. § 1252(a)(2)(B)(i); *Romero-Torres v. Ashcroft*, 327 F.3d 887, 892 (9th Cir. 2003). Although Madrigal argues that the IJ violated his right to due process, we lack jurisdiction to consider this claim because it is not colorable. *Torres-Aguilar v. INS*, 246 F.3d 1267, 1271 (9th Cir. 2001).

SUBMISSION VACATED AND DEFERRED IN PART; PETITION
DENIED IN PART.